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October 9, 2024

Via ECF

Hon. Frederick J. Scullin, Jr., Senior U.S. District Judge
United States District Court for the Northern District of New York
Federal Building and U.S. Courthouse
P.O. Box 7255
Syracuse, NY 13261-7255

Re: N.D.N.Y. 1:23-cv-00428-FJS-DJS – Komar v. SKS Bottle & Packaging, Inc., et al.

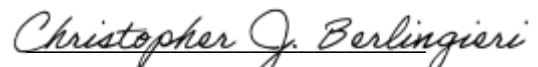
Request to Reopen Case and Set Aside Stipulation and Order of Dismissal

Dear Judge Scullin:

As you are aware, I represent Plaintiff Mark Komar, in the above referenced case. I write to inform you that Plaintiff requests to re-open the case and set aside the stipulation of dismissal. (See ECF 27, stipulation and Order of dismissal with prejudice dated September 16, 2024, *see also* ECF 24-25, report of mandatory mediation, settlement reported to the dated August 19, 2024, after successful ADR through the Court's mediation program).

On October 4, 2024, Counsel for Defendants Michael Billok communicated to the undersigned that the Defendants have no intention of complying with the terms of the settlement agreement and the date for compliance with payment has passed. The Defendants SKS Bottle and Packaging, Inc. and Kathleen Deguire have failed to satisfy the obligations of the settlement and refuse to comply with settlement. The Plaintiff respectfully requests a conference with the court to reopen the case and set this case for further proceedings.

Very truly yours,


Christopher J. Berlingieri, Esq.

cc:

Counsel for Defendants – Michael Billok – Via ECF
